

**TRIBUNAL OF INQUIRY INTO ISSUES RELATING TO THE COMPLAINTS PROCESSES
IN THE DEFENCE FORCES AND THE CULTURE SURROUNDING THE MAKING OF
COMPLAINTS**

FOLLOWING RESOLUTIONS PASSED BY DÁIL ÉIREANN AND SEANAD ÉIREANN

**ESTABLISHED BY INSTRUMENT MADE BY THE TÁNAISTE AND MINISTER FOR
DEFENCE UNDER THE TRIBUNALS OF INQUIRY (EVIDENCE) ACTS 1921 to 2011, ON
20 JUNE 2024**

INTENDED ORDER FOR DISCOVERY

UPON ESTABLISHMENT by Instrument dated the 20th day of June 2024 (S.I. 304 of 2024) of a Tribunal of Inquiry into Issues Relating to the Complaints Processes in the Defence Forces in respect of Complaints of Abuse and Complaints of Hazardous Chemicals and to the Culture Surrounding the Making of Complaints of Abuse (hereinafter '**the Tribunal**') charged with investigating the matters provided for in its Terms of Reference from the 1st day of January 1983 to the 20th day of June 2024; and

WHEREAS the Tribunal, having regard to the Terms of Reference appended hereto at Schedule Two, on the 28th day of January 2025, made an Order for Discovery in respect of the Chief of Staff of the Defence Forces pertaining to the documents specified at categories (1) to (12) inclusive of the said Order and in respect of which the Chief of Staff on the 30th day of November 2025 filed an Affidavit of Discovery; and

WHEREAS the Tribunal considers that the Chief of Staff of the Defence Forces has within his power, possession or procurement, further categories of documents and materials relevant to the matters into which it is inquiring pursuant to the Terms of Reference; and

WHEREAS the Tribunal also considers that it is necessary and proportionate and in the

interests of justice to make an Order for discovery and production of the aforementioned categories of documents and materials, the details of which are set out in Categories (1) and (2) hereunder, in that the said documents and materials are relevant to the Tribunal's Term of Reference and, in particular, to paragraph (v) thereof. It is alleged that retaliation and/or reprisals were suffered by a Corporal in that he was charged for an offence contrary to section 141 of the Defence Act 1954 for making a 'Complaint of Abuse' against a senior NCO. Accordingly, discovery and production of the documents and materials set out in Categories (1) and (2) below are necessary to enable the Tribunal to carry out its functions and to report on the matters of urgent public importance that are set out in the Tribunal's Terms of Reference; and

WHEREAS the Tribunal further considers that in respect of the documents and materials falling within Categories (1) and (2) hereunder, it is necessary and proportionate in carrying out its functions in accordance with the Terms of Reference that the said documents and materials be discovered with anonymisation or pseudonymisation, as appropriate, of the names and other personal identifying information in accordance with the Discovery Protocol appended hereto at Schedule One of this Order; and

THE TRIBUNAL, pursuant to section 4 of the Tribunals of Inquiry (Evidence) (Amendment) Act 1979,

HEREBY ORDERS THAT the Chief of Staff of the Defence Forces does, within a period of fourteen days from the date hereof, make discovery, on oath, of the following documents and materials which are or have been in his power, possession, or procurement:

Category (1)

All documents relating to the decision to charge Corporal 862208 for making false statements against an officer or a man on 15 August 2015, to include, but not limited to, all statements, notes, records of investigations and interviews, reports, determinations, recordings, memoranda and records of written and electronic correspondence and communications of any kind.

Category (2)

All documents relating to the military police investigation of Corporal 862208 in respect of charges contrary to section 141 of the Defence Act, 1954, in respect of the allegation of making false statements against an officer or a man on 15 August 2015, to include, but not limited to, all statements, notes, records of investigations and interviews, reports, determinations, recordings, memoranda and records of written and electronic correspondence and communications of any kind.

AND THE TRIBUNAL FURTHER ORDERS that in respect of the documents and materials falling within Categories (1) and (2) above, the Deponent shall, in accordance with the Discovery Protocol appended hereto at Schedule One, anonymise or pseudonymise, as appropriate, all names and other information which might lead to the identification of persons other than the name and personal details of Corporal 862208.

Signed

Lynn Heavey
Tribunal Registrar

Date of Perfection:

To: Ms. Maria Browne
Chief State Solicitor
Chief State Solicitor's Office
Smithfield Hall
Bow Street
Dublin 7
D07 AEF4

Schedule One

DISCOVERY PROTOCOL

Detail	Redaction/Marker
Corporal 862208	None. No redaction or anonymisation or pseudonymisation of any details relating to Corporal 862208.
Serving or former members of the Defence Forces, current or former civilian employees of the Defence Forces and current or former civil servants to Minister for Defence/ Defence Forces.	Anonymised but subject to an individual alphabetical and numerical marker (e.g. P1, P2, etc.) in respect of any such person which is applied consistently across the file so that the Tribunal can detect where that person is referenced more than once in the file, and which enables the Chief of Staff of the Defence Forces to identify persons to the Tribunal should that prove necessary.
Locations	Defence Forces Training Centre and UNIFIL references will not be anonymised or pseudonymised or have any marker. In respect of all other barracks or equivalent locations identified on a file, a marker by way of individual code will apply (as per the Protocol adopted in respect of the Tribunal's Order for Discovery dated the 28th day of January 2025). All other locations will be anonymised with no marker.
All other persons	Anonymised with no marker.
Other identifying data (such as, but not limited to, units, date of birth, personnel number, home address, phone numbers, email addresses, signatures, family identifiers)	Anonymised with no marker.
Dates (other than date of birth)	Included

Ranks (to include Apprentice)	Included
Gender	Included

NOTES

1. Locations equivalent to barracks, for the purposes of this Order, include for example, locations such as the Military School, Casement Aerodrome and Camp Shamrock. Location will be identified in the manner described above, irrespective of whether the file includes references to more specific location(s) or does not specifically state the location. Where the file does state the location, the relevant numerical code will be applied to the location only once in a file, being the first time it is stated in the file.
2. Where the file does not state a relevant barracks or equivalent location but states a more specific location, the Defence Forces will identify the relevant barracks or equivalent location and will redact the first reference in the file to the more specific location with a visible marker corresponding to that relevant barracks or equivalent location.
3. Should the Tribunal require the Defence Forces to disclose the identity of any serving or former member of the Defence Forces and/or any current or former civilian employee of the Defence Forces and/or any current or former civil servant to the Defence Forces who is identified on the file by the marker "P[number]", this will be the subject of an Order for Disclosure.
4. Where the Tribunal provides the Defence Forces with the consent of an individual to his or her name being identified on the file, the Defence Forces will furnish the file to the Tribunal with such person/s identified without any anonymisation or pseudonymisation applied.

Schedule Two

TERMS OF REFERENCE

The Tribunal's Terms of Reference are available at the following link:

<https://www.toidf.ie/terms-of-reference/>